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SEA**

**SERVICE DATE – JANUARY 28, 2005**

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

## **ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-6 (Sub. No. 427X)**

**The Burlington Northern and Santa Fe Railway Company -- Abandonment  
Exemption -- in Barnes County, ND**

### **BACKGROUND**

In this proceeding, the Burlington Northern and Santa Fe Railway Company (BNSF) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for BNSF to abandon an 8.00 mile rail line in Barnes County, North Dakota. The line begins at milepost 0.00 near Sanborn, and ends at milepost 8.00 near Rogers. A map depicting the entire rail line in relationship to the area served is appended to the report. If the notice becomes effective, BNSF will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

### **DESCRIPTION OF THE LINE**

According to BNSF, the right-of-way for the line proposed for abandonment was initially acquired by the Northern Pacific Railway (NP) between 1875 and 1902 which then merged into the Burlington Northern Railroad (BN) in 1970. In 1995, BNSF was formed as a result of the merger between BN and the Atchison Topeka and Santa Fe Railway. BNSF states that there is now no demand for or prospect of rail service over the line, and that no traffic has originated, terminated, or moved overhead on this line segment for at least two years. Consequently, no rail traffic will be diverted to highway mode as a result of the abandonment.

According to BNSF, the line passes through a mostly flat, rural farming area that is planted in corn, soybeans, and wheat. The right-of-way width varies between 100 to 200 feet. During salvage operations, BNSF will take any needed precautions to ensure public safety at the 12 public crossing located along the line and elsewhere as needed.

BNSF has indicated that the rail line may be suitable for public use such as a trail. To date, BNSF has not received any inquiries about public use of the right-of-way. BNSF has indicated that for part of the properties involved, title considerations may affect the conveyance of land for purposes other than railroad uses. Based on information in the possession of BNSF, the line does not contain any Federally granted rights-of-way.

BNSF states that it does not intend to appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. The areal extent of disturbed areas will be kept to a minimum and limited to the right-of-way wherever possible. There are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment.

## **ENVIRONMENTAL REVIEW**

BNSF submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. BNSF served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The National Geodetic Survey (NGS) has advised the Board's Section of Environmental Analysis (SEA) that seven geodetic station markers have been identified that may be affected by the proposed abandonment and requests 90 days notification in advance of any activities that may disturb or destroy these markers. Accordingly, SEA is recommending a condition for BNSF to consult with NGS regarding the possible relocation of the geodetic station markers.

According to the U.S. Army Corps of Engineers (USACOE), the project is located within unnamed tributaries of the Sheyenne River and associated wetlands, which they have identified as jurisdictional waters of the United States protected under Section 404 of the Clean Water Act (33 U.S.C. Section 1344). The USACOE has indicated to BNSF that the proposed project may have impacts to these waterways. Accordingly, SEA is recommending a condition for BNSF to consult with the USACOE, Omaha District, (William A. May, 701-255-0015) regarding the proposed abandonment activities and comply with any reasonable requirements thereof.

The North Dakota Department of Health, Environmental Health Section, has indicated that activities associated with the proposed abandonment will likely have only minor environmental impacts within the project area. However, the agency asks that BNSF follow best management practices to prevent dirt and debris from entering any storm drainage system or water body and requests that any pollutants that enter waters under their jurisdiction be reported to them. SEA therefore recommends a consultation condition to address the concerns raised by the North Dakota Department of Health, Environmental Health Section (L. David Glatt, 701-328-5150).

Kathy Duttonhefner, of the North Dakota Parks and Recreation Department, has indicated that there are occurrences of native flora that could be impacted by the project and recommends that areas impacted as a result of the proposed abandonment be revegetated with native species. SEA is therefore recommending a consultation condition for BNSF to consult with the North Dakota Parks and Recreation Department (Kathy Duttonhefner, 701-328-5370) regarding their specific concerns and suggestions including revegetation of the project area.

The Barnes County Emergency Management Agency has indicated to BNSF that the project area is not within a flood plain and has no concerns regarding the proposed project.

According to the United States Department of Agriculture, Natural Resources Conservation Service, the rail line is located in an area of prime farm land. However, the agency does not believe that the proposed abandonment activities will have any effect on the farmlands.

The U.S. Fish and Wildlife Service, who has jurisdiction over Section 7 of the Endangered Species Act, has indicated to BNSF that the project, as described, will have no significant impact on fish and wildlife resources. The North Dakota Game and Fish Department has also indicated that there would be no impacts to wildlife or wildlife habitat as a result of the proposed abandonment.

The North Dakota Parks and Recreation Department has indicated that the proposed project will not affect any state parks lands or Land and Water Conservation Fund recreation projects which they coordinate or that are within their purview.

The Bureau of Land Management (BLM) states that there are no wildlife sanctuaries or refuges, nor any national or state parks that would be affected by the proposed abandonment. However, BLM asks that it be kept informed of any new developments as the abandonment process moves forward. SEA requests that they are added to the service list and that they receive a copy of this environmental assessment (EA).

## **HISTORIC REVIEW**

BNSF submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)]. BNSF served the report on the State Historical Society of North Dakota (SHPO) pursuant to section 106 of the National Historic Preservation Act (NHPA). Based on their review, the SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(e), consists of the applicant's/railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

## **CONDITIONS**

We recommend that the following four environmental conditions be placed on any decision granting abandonment authority:

1. The National Geodetic Survey has identified seven geodetic station markers that may be affected by the proposed abandonment. Therefore, the Burlington Northern and Santa Fe Railway Company shall notify the National Geodetic Survey 90 days prior to the onset of salvage activities in order to plan for their possible relocation by the National Geodetic Survey.
2. The Burlington Northern and Santa Fe Railway Company shall consult with the North Dakota Parks and Recreation Department (Kathy Duttonhefner, 701-328-5370) regarding the revegetation of native flora in areas that may be impacted by the proposed abandonment activities.
3. The Burlington Northern and Santa Fe Railway Company shall consult with the U.S. Army Corps of Engineers, Omaha District, (William A. May, 701-255-0015) regarding the project's potential impacts to jurisdictional waters of the United States protected under Section 404 of the Clean Water Act (33 U.S.C. 1344) and comply with any reasonable requirements thereof, prior to the onset of salvage activities for the proposed abandonment.
4. The Burlington Northern and Santa Fe Railway Company shall consult with the North Dakota Department of Health, Environmental Health Section, (L. David Glatt, 701-328-5150) regarding the use of best management practices to prevent debris from entering a storm drain system or water body, and regarding the potential release of hazardous materials, prior to the onset of salvage operations for the proposed abandonment.

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for

imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

### **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

### **PUBLIC ASSISTANCE**

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

### **ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this environmental assessment, send an original and two copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this environmental assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov) by clicking on the "E-FILING" link. Please refer to Docket No. AB-6 (Sub No. 427X) in all correspondence, including e-filings, addressed to the Board. If you have any questions regarding this environmental assessment, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 565-1542, fax at (202) 565-9000, or e-mail at [gliddenc@stb.dot.gov](mailto:gliddenc@stb.dot.gov)

Date made available to the public: January 28, 2005.

Comment due date: **February 14, 2005 (15 days).**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment